

FILED BY *[Signature]* D.C.

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TENNESSEE, WESTERN DIVISION**

05 OCT 28 PM 3:32

REGENIA BROOKS AND BRUCE
BROOKS,

Plaintiffs,

VS.

NO. 2:05-cv-02646-SHM-dkv

OLIVE GARDEN ITALIAN RESTAURANT-1553,
and GMRI, Inc.

Defendants.

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
WD. OF TENNESSEE
MEMPHIS

JOINT ~~PROPOSED~~ SCHEDULING ORDER

**TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF TENNESSEE, WESTERN DIVISION**

Pursuant to written notice, a scheduling conference was held *via* telephone on Friday, October 21, 2005. Conferenced into the call were Karen D. Webster, attorney for Plaintiff, Regenia Brooks and Bruce Brooks, and Jay M. Atkins, attorney for the Defendant, GMRI, Inc. d/b/a The Olive Garden. During the conference; counsel proposed the following dates as the final dates for scheduling purposes.

INITIAL DISCLOSURES PURSUANT TO FED.R.CIV.P. 26(A) (1): November 11, 2005.

JOINING PARTIES: December 28, 2005.

AMENDING PLEADINGS: December 28, 2005.

INITIAL MOTIONS TO DISMISS: January 27, 2006.

COMPLETING ALL DISCOVERY: All discovery shall be commenced or served in time to be completed by July 28, 2006.

(a) Document Production: July 28, 2006.

(b) Depositions, Interrogatories And Requests For Admissions: July 28, 2006.

(c) Expert Witness Disclosure (Rule 26):

(1) Disclosure Of Plaintiff's Rule 26 Expert Information: May 26, 2006.

(2) Disclosure Of Defendant's Rule 26 Expert Information: June 28, 2006.

(3) Expert Witness Depositions: July 28, 2006.

FILING DISPOSITIVE MOTIONS: August 28, 2006.

OTHER RELEVANT MATTERS:

The Parties anticipate that there is a need for the discovery to be had in this case to be governed by a Protective Order. Counsel for Parties have prepared and submitted a Joint Proposed Protective Order as of the filing of this Order.

No depositions may be scheduled to occur after the discovery cutoff date without leave of Court. All motions, requests for admissions, or other filings that require a response must be filed sufficiently in advance of the discovery cutoff date to enable opposing counsel to respond by the time permitted by the Rules prior to that date.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or the service of the response, answer or objection, which is the subject of the motion, if the default or the service of the response, answer or objection occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or the objection to the default, response, answer or objection shall be waived.

The parties are reminded that pursuant to Local Rule 11(a)(1)(A), all motions, except

motions pursuant to Fed. R. Civ. P. 12, 56, 59, and 60 shall be accompanied by a proposed order.

The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

This case is appropriate for ADR. The parties are directed to engage in court-annexed attorney mediation or private mediation after the close of discovery.

This case is set for a jury trial, and the trial is expected to last two (2) days. The pretrial order date, pretrial conference date, and trial date will be set by the presiding judge.

The parties have not consented to trial before the magistrate judge.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this order will not be modified or extended.

IT IS SO ORDERED.


DIANE K. VESCOVO
UNITED STATES MAGISTRATE JUDGE
DATE: October 28, 2005

APPROVED AS TO FORM:

ATTORNEY FOR PLAINTIFFS, REGENIA BROOKS AND BRUCE BROOKS

BY: 

KAREN D. WEBSTER, #011723

Attorney for Plaintiffs

1331 Union Avenue, Suite 744

Memphis, TN 38104-3521

(901) 507-7577

(901) 507-7581-fax

ATTORNEY FOR DEFENDANT, GMRI, INC. d/b/a THE OLIVE GARDEN

BY: 

Jay M. Atkins, #21371

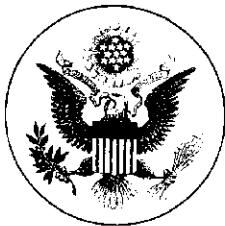
Leitner, Williams, Dooley & Napolitan, PLLC

254 Court Avenue, Second Floor

Memphis, TN 38103

(901) 527-0214

(901) 527-8224



Notice of Distribution

This notice confirms a copy of the document docketed as number 8 in case 2:05-CV-02646 was distributed by fax, mail, or direct printing on October 31, 2005 to the parties listed.

Jay Marshall Atkins
LEITNER WILLIAMS DOOLEY & NAPOLITAN-Memphis
254 Court Ave.
Second Floor
Memphis, TN 38103

Jimmy Moore
CIRCUIT COURT, 30TH JUDICIAL DISTRICT
140 Adams Ave.
Rm. 224
Memphis, TN 38103

Karen Denise Webster
DOCUMENTS ET CETERA, INC.
1331 Union Ave.
Ste. 744
Memphis, TN 38104--352

Honorable Samuel Mays
US DISTRICT COURT